

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY BRITTON,
BRITTON ENTERPRISES, LLC, D/B/A
“TIM’S APARTMENTS,”

Defendants.

Civil Action No. 3:23-cv-99

COMPLAINT

DEMAND FOR JURY TRIAL

The United States of America alleges as follows:

1. The United States brings this action to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601–3619 (“Fair Housing Act”).

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States’ allegations occurred in the Western District of Pennsylvania, and the Defendants reside in the Western District of Pennsylvania.

FACTUAL ALLEGATIONS

4. Defendant Timothy Britton is an individual residing in Dubois, Pennsylvania.

5. Defendant Britton Enterprises, LLC, is a limited liability company registered in Pennsylvania, with a principal place of business located at 109 Main Street, Falls Creek, Pennsylvania.

6. Defendant Timothy Britton is the sole owner and operator of Britton Enterprises, LLC, which operates under the name “Tim’s Apartments.”

7. During part or all of the period of time relevant to this action, Defendants Timothy Britton and Britton Enterprises, LLC, owned and/or operated approximately forty residential rental properties (the “Subject Properties”) in and around Falls Creek, Dubois, Brockway, and Reynoldsville, Pennsylvania.

8. The Subject Properties include, but are not limited to, the following properties in Falls Creek, Pennsylvania: 38 First Street, 36 Main Street, and 109 Main Street.

9. The Subject Properties are “dwellings” within the meaning of 42 U.S.C. § 3602(b).

10. At all times relevant to this action, Defendant Timothy Britton has been actively involved in the management of the Subject Properties, including, but not limited to, showing the properties to prospective tenants, collecting rent, receiving maintenance requests, inspecting completed maintenance work, communicating with tenants regarding difficulties paying rent, and initiating eviction proceedings.

11. Defendant Britton Enterprises, LLC, as owner or principal, expressly or implicitly granted Defendant Timothy Britton authority to act as an agent on its behalf at all times relevant to this action.

12. Since at least 2016, and continuing until the present, Defendant Timothy Britton has subjected female tenants of the Subject Properties to discrimination on the basis of sex, including unwelcome and severe or pervasive sexual harassment. This conduct has included, but is not limited to, the following examples of unwelcome and severe or pervasive sexual harassment:

- a. Offering to grant tangible housing benefits—such as reducing rent or excusing late or unpaid rent—to female tenants in exchange for sexual acts;
- b. Subjecting female tenants to unwelcome sexual touching;
- c. Requesting unwelcome sexual acts from female tenants;

- d. Making unwelcome sexual comments and sexual advances to female tenants; and
- e. Retaliating against female tenants for refusing his advances, by taking adverse housing actions, such as evicting female tenants, or threatening to take such actions.

13. For example, from in and around November 2018 to in and around April 2021, Defendant Timothy Britton subjected a female tenant to repeated unwelcome and unwanted sexual comments and unwelcome sexual contact. On one occasion, Defendant Timothy Britton told the female tenant that “she left him with half a semi,” or words to that effect, to which the tenant believed Defendant Timothy Britton was referring to his erect penis. On another occasion, Defendant Timothy Britton pinched the tenant’s buttocks twice without her consent. Defendant Timothy Britton’s comments and actions were unwelcome and unwanted and made the female tenant feel uncomfortable and not safe in her home. The female tenant filed a HUD complaint against Defendant Timothy Britton, to which he responded by initiating eviction proceedings against her, in whole or in part, because of her protected activity.

14. In another example, between in and around June 2017 to in and around April 2018, Defendant Timothy Britton repeatedly made unwelcome sexual comments to a female tenant, including offering to reduce her rent if she would engage in sexual acts with him. On another occasion, when the female tenant was pregnant, Defendant Timothy Britton said to her “you do know I like big women because they’re fun to play with,” or words to that effect. After the tenant gave birth, Defendant Timothy Britton said to her, “I see you had the baby maybe now you’ll fool around,” or words to that effect. Defendant Timothy Britton’s comments were unwelcome and unwanted and made the female tenant feel uncomfortable and unwelcome in her home.

15. In another example, between in and around 2019 to in and around March 2020, Defendant Timothy Britton repeatedly made unwelcome sexual comments to a female tenant,

including telling the tenant that if she slept with him she would not have to pay rent and making comments regarding the size of the tenant's breasts. On one occasion, when there was no heat in the apartment, Defendant Timothy Britton also told the female tenant that they "can all get in the bed and stay warm," or words to that effect. Defendant Timothy Britton's comments were unwelcome and unwanted and made the female tenant feel uncomfortable and unwelcome in her home.

16. The experiences of the women described above in paragraphs 13 to 15 were not the only instances of Defendant Timothy Britton's sexual harassment of tenants. Rather, they were part of Defendant Timothy Britton's longstanding pattern or practice of illegal sexual harassment of multiple tenants from at least 2016 to the present.

17. Defendant Britton Enterprises, LLC is vicariously liable for the actions of its agent, Defendant Timothy Britton.

18. The conduct of Defendant Timothy Britton caused female tenants and persons associated with him to suffer physical harm, fear, anxiety, and emotional distress, and interfered with their ability to secure and maintain rental housing for themselves and their families.

CAUSE OF ACTION

19. By the actions and statements described above, Defendants have:

- a. Denied dwellings or otherwise made dwellings unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
- b. Discriminated in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);

- c. Made statements with respect to the rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation of 42 U.S.C. § 3604(c); and
- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

20. Under 42 U.S.C. § 3614(a), Defendants' conduct constitutes:

- a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, and
- b. A denial to a group of persons of rights granted by the Fair Housing Act that raises an issue of general public importance.

21. Female residents and persons associated with them, including but not limited to those referred to in paragraphs 13 to 15 have been injured by Defendants' discriminatory conduct. These persons are "aggrieved persons" as defined in 42 U.S.C. § 3602(i) and have suffered damages as a result of Defendants' conduct.

22. Defendants' conduct was intentional, willful, and taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601–3619;
- b. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:

- i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;
- ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act;
- iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- iv. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, as nearly as practicable, the effects of Defendants' unlawful practices;

- c. Awards monetary damages to each person aggrieved by Defendants' discriminatory conduct, under 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses civil penalties against Defendants to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: May 19, 2023

Respectfully submitted,

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